

FILED

DEC 11 2012

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DEPUTY CLERK

ELIZABETH DENIKE,

Plaintiff,

v.

XEROX CORPORATION,

Defendant.

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CIVIL ACTION NO. 11-CV-1091-XR

ORDER

Before the Court is the Parties' Joint Motion to Continue Trial Date and Amend Scheduling Order. The Court, having reviewed the Motion, finds that it should be GRANTED. It is therefore,

ORDERED, ADJUDGED, AND DECREED that the Parties Amended Scheduling Order is as follows:

WITNESS LIST, EXHIBIT LIST AND PRETRIAL DISCLOSURES

The deadline for filing Rule 26(a)(3) disclosures is April 7, 2013.

The deadline for filing objections under rule (26)(a)(3) is April 24, 2013. Any objections not made will be deemed waived.

COMPLETION OF DISCOVERY

Written discovery requests are not timely if they are filed so close to this deadline that under the Federal Rules of Civil Procedure the response would not be due until after the deadline.

The deadline for the completion of all discovery is February 15, 2013 except the parties may depose testifying experts until March 15, 2013.

PRETRIAL MOTIONS

No motion (other than a motion *in limine*) may be filed after this date except for good cause. The deadline to file motions (including dispositive motions) is March 15, 2013. This deadline is also applicable to the filing of any summary judgment motion under Fed. R. Civ. P.

56 and any defense of qualified immunity. Leave of court is automatically given to file motions not to exceed 30 pages in length. With regard to motions for summary judgment, the response and reply deadlines set forth in Fed. R. Civ. P. 56 control in lieu of TXWD Local rule CV-7 (d) and (e).

JOINT PRETRIAL ORDER AND MOTION IN LIMINE

The deadline to file a final joint Pretrial Order and any motion *in limine* is August 29, 2013.

All attorneys are responsible for preparing the Final Joint Pretrial Order, which must contain the following:

- (1) a short statement identifying the Court's jurisdiction. If there is an unresolved jurisdictional question, state it;
- (2) a brief statement of the case, one that the judge could read to the jury panel for an introduction to the facts and parties;
- (3) a summary of the remaining claims and defenses of each party;
- (4) a list of contested issues of fact;
- (5) a list of the legal propositions that are not in dispute;
- (6) a list of contested issues of law;
- (7) a list of all exhibits expected to be offered. Counsel will make all exhibits available for examination by opposing counsel. All documentary exhibits must be exchanged before the final pre-trial conference. The exhibit list should clearly reflect whether a particular exhibit is objected to or whether there are no objections to the exhibit;
- (8) a list of the names and addresses of witnesses who may be called with a brief statement of the nature of their testimony;
- (9) an estimate of the length of trial;
- (10) for a jury trial, include (a) proposed questions for the *voir dire* examination, and (b) a proposed charge, including instructions, definitions, and special interrogatories, with authority;
- (11) the signatures of all attorneys; and
- (12) a place for the date and the signature of the presiding judge.

FINAL PRETRIAL CONFERENCE

The final Pretrial conference shall be held on **August 29, 2013**, at 9:30 a.m. Motions *in limine*, if any, will be heard on this date. Counsel should confer prior to this hearing on any issues raised in a motion *in limine* or the Joint Pretrial Order. Any party intending to use a demonstrative exhibit should provide the same to opposing counsel at least 3 days prior to the Final Pretrial conference so that if any objections or issues are raised about the demonstrative exhibit, they can be addressed at the final pretrial conference.

TRIAL

The Jury Selection/Trial Date is ~~September 9, 2013~~ at 9:30 a.m.

REDACTION OF CERTAIN MATERIAL

Counsel are reminded that, with regard to any paper that is filed, compliance with Fed. R. Civ. P. 5.2 is mandatory. Accordingly, counsel should ensure that appropriate redactions are made.

Signed and entered this 11th day of December, 2012.



Xavier Rodriguez
United States District Judge